

FEB 26 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN CASTRO PADILLA-RUIZ,

Defendant - Appellant.

No. 08-30023

D.C. No. CR-06-30027-OMP

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Oregon
Owen M. Panner, District Judge, Presiding

Submitted February 18, 2009^{**}

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Juan Castro Padilla-Ruiz appeals from the 87-month sentence imposed following his jury-trial conviction for illegal reentry, in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Padilla-Ruiz contends that the district court abused its discretion by denying a four-level downward departure in light of his medical condition. We review for reasonableness. *See United States v. Dallman*, 533 F.3d 755, 761 (9th Cir. 2008). We conclude that the district court did not commit procedural error, and that the sentence is substantively reasonable. *See United States v. Stoterau*, 524 F.3d 988, 999-1002 (9th Cir. 2008).

AFFIRMED.